



*Eric Franz (Admitted in N.Y.)
Erin Flynn (Admitted in N.Y. & Conn.)*

**LAW OFFICES OF
ERIC FRANZ, P.L.L.C.**
www.cfranzlaw.com

April 3, 2017

The Honorable Allyne R. Ross
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: U.S. v. Asaro, et. al. 17 Cr. 127 (ARR)

Your Honor:

I represent Mr. Matthew Rullan in the above referenced matter and submit this letter pursuant to the Local Rules of the United States District Court for the Southern and Eastern Districts of New York ("Local Rules") which requires that all cases be randomly assigned to a district court judge. *See* Local Rule 50.2 (b) and 50.3.2(a)(2) ("All criminal cases shall be randomly assigned upon filing").

The reason for this letter is that after this case was originally assigned to Judge Mauskopf, it was then inexplicably reassigned to Your Honor. While counsel is aware that the Local Rules do allow for case reassignments, the defense is unaware of the basis for the reassignment of this matter.

Mr. Rullan, and his codefendants made their initial appearance before Chief Magistrate Mann on March 22, 2017. While the Indictment indicates that the case was originally assigned to Judge Mauskopf, a review of the docket sheet states that the case was reassigned by Order of Chief Judge Irizarry on March 13, 2017. The docket sheet does not contain a link to a written Order or application concerning the reassignment, and thus, we do not know why the case was reassigned.

I have inquired of the government prosecutors and they have informed me that they did not make an application for the case's reassignment and I have no further information as to why the case was reassigned.

Local Rule 50.2(f) (1) provides that, in a criminal case "any objection by a party to designation of a judge [...] shall be made by letter motion to the judge assigned [...] within fourteen (14) days from arraignment or from initial notice of appearance, whichever is earlier." Thus, since the defendants made their initial appearance on March 22, 2017, the deadline for the defense to file any objection is this Wednesday, April 5, 2017. Unfortunately, the defense is unaware of the reason for the reassignment of the case and thus we respectfully request that the Court toll the time for the defense to file any such objection until after we have had an opportunity to address this issue with the Court to determine if we wish to file an objection.

New York City (Mailing Address)

747 Third Ave. 20th Fl., New York, N.Y. 10017
(212) 355-2200 (phone) (212) 937-2217 (fax)

Long Island

220 Old Country Road, Mineola, N.Y. 11501
(516) 692-0109 (phone) (212) 937-2217 (fax)

It may be that no objection will be forthcoming, but in order to properly represent our clients, we respectfully request that the time to file any objection be tolled to afford the parties an opportunity to learn why the case was reassigned.

I have spoken with the government and they have indicated that they do not object to this request.

I thank the Court for its time in considering this application.

Most Respectfully,

A handwritten signature in black ink, appearing to read 'Eric Franz', written over a horizontal line.

ERIC FRANZ